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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,097	04/01/2004	Jeffrey Jackson	Jackson.1002	9486
26812	7590	10/31/2006	EXAMINER	
HAYES, SOLOWAY P.C. 175 CANAL STREET MANCHESTER, NH 03101			LE, TAN	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/816,097	Applicant(s) JACKSON, JEFFREY	
	Examiner Tan Le	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5, 9-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) 3-5, 10, 12 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 11, 13-15 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Applicant's amendment filed 08/07/06, which contains claims numbered 3-5, 9-15 and 17-21. Claims 1-2, 6-8 and 16 have been canceled. Claims 20-21 have been added. Claims 3-5, 10, 12 and 17 were withdrawn.
2. Amendment to specification on 08/07/06 has been entered.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9, 13-14, 18 and 20-21 are rejected under 35 U.S.C. 102b) as being anticipated by US Patent No. 3, 199,820 to Thompson.

As to claim 9, Thompson teaches a hanger (see attached Fig. 1 below) comprising a holding portion formed to fit to said structure; a frictional element positioned on said holding portion to be in contact with said structure whereby said frictional element reduces mobility of said holding portion along said structure; a hook capable of allowing the object to be set on said apparatus; and an enclosed central loop enclosed on top portion, a bottom portion, a front portion, and a back portion of said enclosed central loop, said back portion of said enclosed central loop being a portion of said holding portion, and said enclosed central loop being open on a left side portion and a right side portion of said enclosed central loop, wherein said enclosed central loop is capable of allowing a second object to be situated in said central loop after being placed within said left side portion or said right side portion.

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As to claim 13, wherein said holding portion has a shape that is capable of resting on a mantle. Note that the mantle shape is not defined and is not claimed. The shape of the holding portion is clearly capable of resting on the mantle by various means such as portion (10) can be resting on the mantle or portion (4, 6) can resting by nail (2) as shown on Fig. 2)

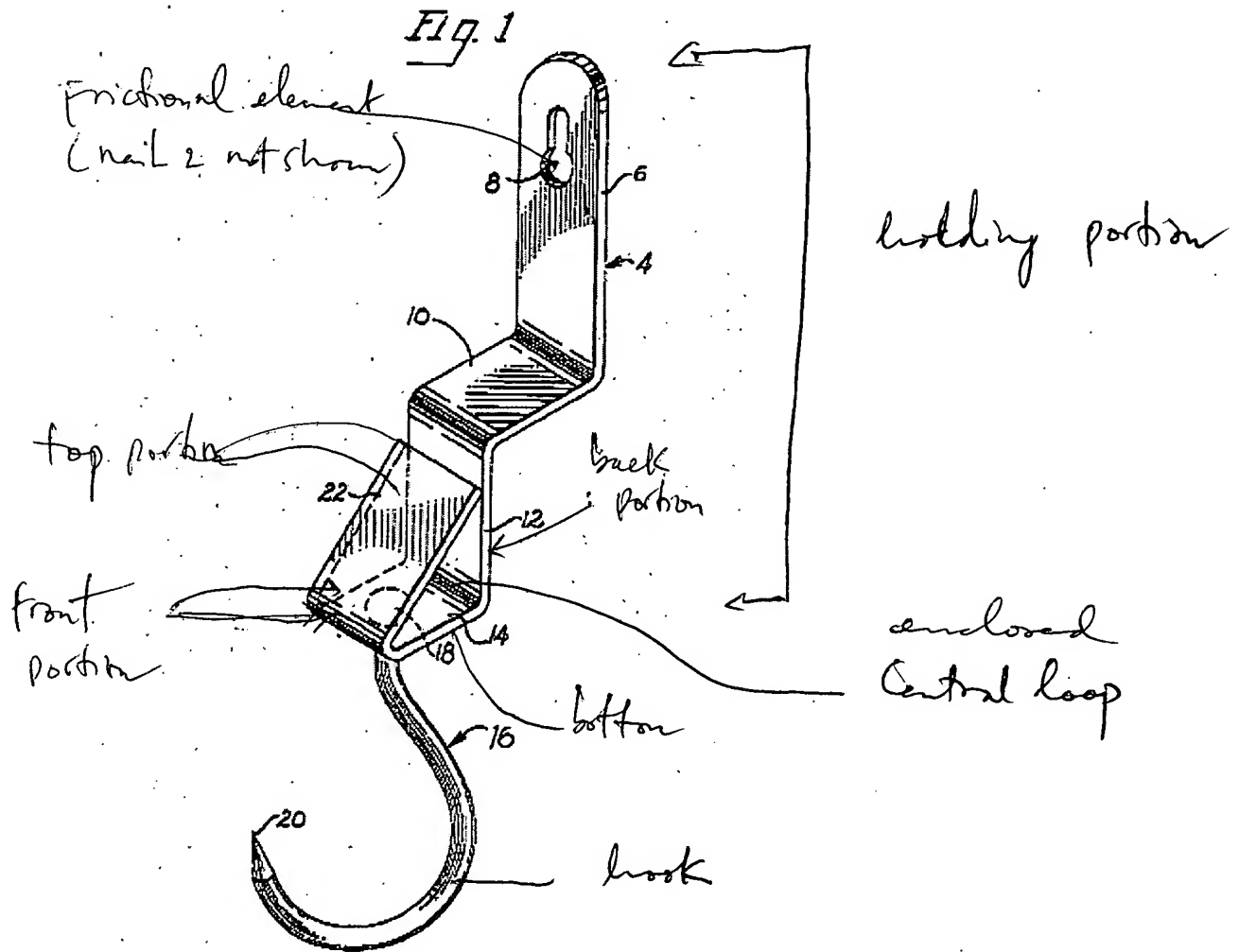
As to claim 14, wherein said hook portion (16) does not contact said structure (1) when said apparatus holds said structure.

As to claim 18, claim 18 is similar to claim 14, therefore claim 18 also reads on Thompson.

As to claim 20, wherein said holding portion contains an elongated top portion (4, 6) and an elongated side portion (10), said elongated side portion extending in a direction substantially perpendicular to said elongated top portion.

As to claim 21, claim 21 is substantially similar to claim 9, is therefore also read on Thompson, which includes means for holding (6, 4, 10, 12) to said structure; means for gripping (2) (nail) for enhancing the grip of said means for holding on said structure; means for hanging (16) (hook) being capable of allowing an object to hang from; and means for maintaining a second object in said apparatus (12, 14, 22) (an enclosed loop), said means for maintaining being enclosed on top portion, a bottom portion, a front portion and a back portion, said back portion of said means for maintaining a portion of said means for holding, and said means for maintaining being open on the left side portion and a right side portion of said means for maintaining; wherein said means

for maintaining is capable of allowing said second object to be situated in said means
for maintaining after being placed within said left side portion or right side portion.



Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 11, 15 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson as discussed above in view of US Patent No. 6,835,452 to Hamerski.

As to claims 11 and 19, Thompson teaches the conventional use of a nail to grip/fix the hanger to the wall but not the use of a double adhesive tape. Hamerski teaches the use of a double adhesive tape (54) to grip/fix the hanger to the wall to minimize the damages to the substrate surface (wall). Minimize the damages to the wall is highly desirable in holding an object to the wall, therefore It would has been obvious to a person of ordinary skill in the art at the time the invention was made to use double adhesive in place of the nail to minimize the damage of the wall where the hanger to be attached.

As to claim 15, wherein said the frictional element of Hamerski further includes a thin, rubber pad (66) (see col. 4, lines 8-13).

Response to Arguments

Applicant's arguments filed 08/07/06 have been fully considered but they are not persuasive.

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In response to Applicant's argument that "Thompson does not disclose, teach or suggest an enclosed central loop enclosed on a top portion, a bottom portion, a front portion and a back portion... and Thompson does not disclose, teach or suggest the back portion of the enclosed central loop being a portion of the holding portion" (see page 3 of the Remarks. The examiner respectfully disagrees with this argument.

Thompson clearly teaches an enclosed central loop enclosed on a top portion, a bottom portion, a front portion and a back portion... and the back portion of the enclosed central loop being a portion of the holding portion as pointed out in the rejection along with attached figure. Note that nowhere in the specification or claims that defines the top portion in relations to other portions or what constitutes the top portion. Thompson clearly has a top portion as construed by examiner.

With respect to the argument that "the central loop of Thompson being a triangle shaped...Triangular loop-shaped by nature does not have a top portion." This argument is not persuasive because as mentioned earlier: (a) the specification does not provide critiques about what constitutes the top portion; (b) any shape has a top portion by nature; (c) the claim recites " an enclosed central loop" but does not recite the shape of the enclosed central loop, therefore argument with respect to the shape of the central loop is based on what not claimed. Thompson central loop clearly has a top portion.

With respect to the argument that the back portion of the central loop of Thompson support hanger is not a portion of the holding portion. This argument is also not found persuasive. As pointed out on the attached figure, the back portion of the central loop of Thompson support hanger is a portion of the holding portion.

With respect to the argument under 103, Applicant appears to rely on the reference of Thompson. However, argument on Thompson is not persuasive. The rejection is therefore maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tan Le
October 24, 2006.



Carl D. Friedman
Supervisory Patent Examiner
Group 3600